

## **CHAPTER XII**

### **Regulations of Child Care Centers**

#### **Section 1. Definition.**

"Child care center" shall mean and apply to any "agency giving day care to children" and shall mean and include any institution or place, whether known as a day nursery, nursery school, kindergarten, child play school, progressive school or pre-school, or under any other name, (except a Sunday school conducted by a church, not conducted by the commonwealth or any city or town,) which, for compensation or otherwise, receives for temporary custody, with or without stated educational purposes, during part or all of the day apart from their parents, three or more children under seven years of age and not of common parentage, separate and apart from their parents and elsewhere than at the home of one or more of them during part or all of the day.

#### **Section 2. License.**

No person shall conduct a child care center without first obtaining a license from the Board of Health. The Board of Health requires inspection and approval by the Building and Fire Departments of the proposed premises.

An application for such license shall be in a form prescribed by the Board, and shall contain such information as may be required by the Board. Licenses shall expire at the end of the year in which they are issued and shall not be transferred except with the approval of the Board. A fee of one dollar (\$1.00) shall be charged for issue or renewal of said license.

#### **Section 3. Inspection.**

"Boards of health by their authorized agents may visit and inspect any agency giving day care to children at any time to ascertain whether it is licensed and conducted in compliance with the law and with the rules and regulations made under section sixty. Every agency giving day care to children shall so be visited and inspected at least once in each year. After thirty days notice to a licensed agency giving day care to children and opportunity to be heard, the Board of Health may, if in its judgement the public interest so demands, revoke its license. Every agency giving day care to children shall furnish to the said board such reports, information and other data as it may require." (Chapter 111, Section 61.)

#### **Section 4. Building.**

Any building used for a child care center shall, in the opinion of the Board of Health, be properly and suitably located, kept in good repair, clean and sanitary at all times, and shall comply with all local licensing, fire safety, zoning, and health regulations.

#### **Section 5. Rooms.**

No room located above the second floor and no basement room, the floor of which is three feet below the surface level, shall be used for or as a part of a child care center unless specifically authorized by the Board of Health. All rooms shall be dry, well ventilated and warm. Wooden floors shall be free of splinters and the construction shall be such that they may be easily cleaned. Floors made of concrete or other water permeable material which is in direct contact with the ground shall be covered by asphalt tile or similar flooring which is impermeable to water, and shall be dry. All rooms must have outside exposure with provision for unobstructed natural light. Adequate artificial lighting shall be available in all rooms, stairways and hallways of the building. Adequate protection from accident hazards due to stairways, windows, doors, pipes and radiators shall be provided.

#### **Section 6. Toilets**

There shall be one toilet and one wash basin for every twelve or fewer children of four or more years of age; and there shall be two toilets and two wash basins for every eight or fewer children under four years of age.

If adult toilet and wash basin facilities are used by children under five years of age, these facilities shall be accompanied by non-tippable stools or platforms to raise the floor level to such height that children can use the facilities without adult assistance. Small toilet seats shall be provided for children under three years of age. Toilets and wash basins shall be conveniently located and maintained in a sanitary condition at all times.

### **Section 7. Washbowls.**

Washbowls shall be of suitable height, equipped with hot and cold running water and the plumbing shall be of the open, sanitary type. The common use of toilet articles, such as towels, wash clothes, or combs is prohibited.

### **Section 8. Furniture.**

Tables and chairs, free from splinters or sharp edges, sturdy and of suitable height shall be provided in sufficient number. If cots or beds are provided for rest periods no more than one child shall be allowed to occupy any bed or cot at the same time and an individual blanket shall be available for each child. They shall be kept in a clean and sanitary condition.

Draperies and any other article made of cloth or similar material utilized in any part of the building occupied at any time by the children should be washable.

### **Section 9. Indoor and Outdoor Space.**

There shall be sufficient indoor and outdoor space, exclusive of halls, washroom and kitchens, for each child to prevent over crowding . Outdoor play-ground space shall be free from hazards such as hidden corners; unprotected pools, wells, cesspool, and steps; also poisonous plants such as poison oak and poison ivy, and farm and lawn machinery or implements. The outdoor play areas shall not be covered with any dangerous harsh or abrasive material.

### **Section 10. Chest Examination.**

All personnel serving a child care center shall have a chest x-ray prior to employment and thereafter at three year intervals. A record of each such

examination, signed by a registered physician, shall be available to the Board of Health upon request.

### **Section 11. Physical Examination of Children.**

No child shall be admitted until the center has received from his parents a physician's certificate stating that the child is free from communicable disease. The physician's certificate shall also state the presence of any condition affecting the general health of a child, or any handicap, and shall include any suggestion that will be helpful to the group care center. Such suggestions shall be followed. The certificate shall be on file at the center.

### **Section 12. Immunization.**

Each child admitted to a child care center shall have been satisfactorily immunized or is in the process of being immunized against smallpox, diphtheria, whooping cough, and tetanus.

### **Section 13. Daily Inspection of Children.**

A daily inspection of each child to detect any communicable disease shall be made by a competent adult. Upon detection of a child who is ill or suspected of having a communicable disease, such child shall be immediately isolated in a suitable manner and place until he may be removed to his home.

### **Section 14. Service of Food or Drink.**

All foods and liquids served to children at the center shall be subject to the rules and regulations of the Board of health relative to Food. Bubble fountains shall not be used for drinking facilities.

### **Section 15. Fire Protection.**

Adequate protection and egress shall be provided as designated by the head of the Fire department or his authorized representative.

#### **Section 16. Personnel.**

The person in charge of a child care center shall have had training or experience in the care and education of children of pre-school age that is satisfactory to the Board of Health. Each such center shall provide as many properly trained persons as in the discretion of the Board of Health is necessary.

#### **Section 17. Records**

The license to conduct an agency giving day care to children shall be prominently displayed.

Records shall be kept to meet administrative requirements and to insure knowledge of the needs of children. These should include full names, home addresses, work addresses and telephones of parents; full name and date of birth of child, name of child's physician; date when child entered and left center; attendance record with reasons for absence; records of all physical examinations; immunizations and other matters relating to the child's health and a record of progress of the child.

#### **Section 18. First Aid Equipment.**

First aid equipment for emergency treatment shall be kept in the day care center. The first aid equipment shall be of the approved type and shall not be less in quantity and type than that required for an approved Red Cross first aid kit.

#### **Section 19. Separability.**

So far as the Board of Health may provide each section of these rules and regulations shall be construed as separate to the end that if any section, sentence, clause or phrase shall be held invalid for any reason, the remainder of the rules and regulations shall continue in full force.

Adopted Oct. 27, 1953. Published Nov. 5, 1953

BOARD OF HEALTH

Natick, Mass.

Joseph P. Foley

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**Section 20. Penalty.**

(a) Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

(b) Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense; and \$300.00 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

Amended February 12, 2002

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